

**LANGUAGE FOR LETTERS**

THE LETTERS BELOW MAY BE MODIFIED AS APPROPRIATE.

**Response letter to complainant upon submittal of a nonfrivolous complaint which will be investigated****FIGURE 1**

Thank you for your (date) letter concerning the regulatory noncompliance of (name of motor carrier).

The Federal Motor Carrier Safety Administration is concerned about violations of the Federal Motor Carrier Safety Regulations and Hazardous Materials Regulations by motor carriers and their employees. We will investigate your allegations. It may be necessary to contact you for additional information during this investigation.

We will inform you of our investigation's findings. Your interest in highway safety is appreciated.

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**Response to complainant when an investigation will not be conducted****FIGURE 2**

This document is in response to your (date) letter regarding (name of motor carrier). After careful review, we have decided not to conduct an investigation.

**THE RESPONSE SHOULD INCORPORATE ONE OR MORE OF THE FOLLOWING EXPLANATIONS:**

- (1) From the information that you have provided, we are unable to determine whether a violation of this agency's regulations is occurring. Generally, a specific example of a substantial violation needs to be provided, including the date, location, and other pertinent information.
- (2) You allege a violation occurred on (insert date). It is the policy of this agency to only investigate complaints alleging violations that have occurred within the previous 60 days.
- (3) As a result of a recent compliance review of (name of motor carrier) conducted on (date), (**NOTE: MUST BE WITHIN 60 DAYS OF RECEIPT OF THE COMPLAINT**) we believe the noncompliance referred to in your letter (is not present), (was discovered and is being addressed appropriately).
- (4) Your allegations do not fall within the jurisdiction of the Federal Motor Carrier

Safety Administration . You may want to contact the (give name and address of jurisdictional agency).

- (5) Your allegation involving the operation of defective equipment by (name and address of motor carrier) has been referred to the (give name and address of State MCSAP Agency where vehicle(s) are domiciled) for investigation. The Federal Motor Carrier Safety Administration, through its Motor Carrier Safety Assistance Program, provides funding to the States for the purpose of performing vehicle inspections to ensure the safe operation of commercial vehicles on our nation's highways.

(6) **IN THE CASE OF VEHICLE DEFECT ALLEGATIONS THAT ARE NOT OUT-OF-SERVICE DEFECTS**

Your allegations are not substantial violations of this agency's vehicle safety standards. Proper maintenance of a motor carrier's equipment is important. Certain items have been identified as critical to the operational safety of a vehicle. The absence or inoperativeness of such items is considered to be imminently hazardous.

With the dramatic increase in the number of vehicle inspections performed by the States as a result of the Motor Carrier Safety Assistance Program, the likelihood of the vehicles operated by (name of motor carrier) being examined at a roadside inspection site has increased substantially. The numerous roadside vehicle inspections conducted by the States help to ensure motor carriers properly maintain their equipment and unsafe vehicles are removed from operation.

**CONCLUSION TO LETTER IF APPROPRIATE**

If you can provide additional information which you think we should consider, please respond to the above address. Thank you for your interest in highway safety.

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**Response to complainant at conclusion of an investigation which results in enforcement**

**FIGURE 3**

This document is in follow-up to my (date) letter sent to you as a result of information you supplied concerning (name of motor carrier).

The matter has been investigated and certain instances of noncompliance as you alleged were discovered. An enforcement action, in which civil penalties will be assessed against the carrier, is currently being prepared to address the carrier's

noncompliance.

If you find that these violations continue or other violations occur, please advise us.

Thank you for your interest in highway safety.

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**Response to complainant when the allegations are not substantiated**

**FIGURE 4**

This document is in follow-up to my (date) letter sent to you as a result of information you supplied about (name of motor carrier).

The matter has received careful attention; however, our investigation failed to disclose violations of the type referred to in your letter.

Please advise us if we can be of further assistance.

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**Response to complainant when the allegations are substantiated, but enforcement action is not being taken**

**FIGURE 5**

This document is in follow-up to my (date) letter to you as a result of information you supplied about (name of motor carrier).

The matter has been investigated and certain instances of noncompliance as you alleged were discovered. The nature of these violations, however, did not warrant enforcement action.

If we can provide further assistance, please contact our office.

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**Letter to Congressional member after completion of a compliance review in response to a Congressional request**

**FIGURE 6**

This document is in response to your (date) letter which (requested a compliance

review be conducted on (name of motor carrier)), (alleged regulatory violations by (name of motor carrier)).

**THE RESPONSE SHOULD INCORPORATE ONE OF THE FOLLOWING STATEMENTS:**

**USE PARAGRAPH (1) OR (2) WHEN A REQUEST FOR A COMPLIANCE REVIEW WAS MADE WITHOUT ALLEGATIONS OF SUBSTANTIAL VIOLATIONS**

- (1) A compliance review on (name of motor carrier) was completed in response to your request. Regulatory violations were discovered, but their nature did not warrant enforcement action. If you would like further information about the compliance review, please call our division office at (telephone number).
- (2) A compliance review on (name of motor carrier) was completed in response to your request. Instances of noncompliance were discovered and an enforcement action is currently being prepared. If you would like further information about the compliance review or enforcement action, please call my office at (telephone number).

**USE PARAGRAPH (3), (4), OR (5) WHEN SUBSTANTIAL VIOLATIONS ARE ALLEGED**

- (3) A compliance review on (name of motor carrier) was completed in response to your letter. Your allegations have received careful attention. Our investigation, however, failed to disclose violations of the type referred to in your letter. If you would like further information about the compliance review, please call our division office at (telephone number).
- (4) A compliance review on (name of motor carrier) was completed in response to your letter. Violations of the type referred to in your letter were discovered. The nature of these violations, however, did not warrant enforcement action. If you would like further information about the compliance review, please call our division office at (telephone number).
- (5) A compliance review on (name of motor carrier) was completed in response to your letter. Violations of the type referred to in your letter were discovered, and an enforcement action is currently being prepared. If you would like further information about the compliance review or enforcement action, please call my office at (telephone number).

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**Letter to Congressional member who forwarded a complaint**

This is a response to your (date) letter which forwarded a complaint to us that alleged illegal activity by (name of motor carrier).

**THE RESPONSE SHOULD INCORPORATE ONE OF THE FOLLOWING STATEMENTS:**

- (1) The forwarded complaint alleges the violation of a regulation or law which is outside the jurisdiction of the Federal Motor Carrier Safety Administration. We, therefore, cannot respond to the complaint, but we have forwarded the complaint to the (appropriate government agency). If we can provide further assistance, please call my office at (telephone number).
- (2) We have concluded that the complainant's allegations are not reliable based on (the findings of a recent compliance review conducted on the company), (our discussion with the complainant). An investigation, therefore, is not warranted at this time. The complainant will be advised of our conclusion. If you would like further information, please call my office at (telephone number).
- (3) We have concluded that the severity of the alleged violations does not warrant an investigation. The complaint was placed in our file on the company for future reference. We would be interested in reviewing additional information from the complainant about the illegal activities of (name of motor carrier). The complainant will be advised of our conclusion. If we can provide further assistance, please call my office at (telephone number).
- (4) We have concluded that an investigation of the alleged violations is not warranted based on the untimely nature of the allegations. It is the policy of this agency to only investigate complaints alleging violations that have occurred within the prior 60 days. We would be interested in reviewing more recent information about the illegal activities of (name of motor carrier). The complainant will be advised of our conclusion. If we can provide further assistance, please call my office at (telephone number).
- (5) We have contacted the complainant and concluded that the allegations appear to be reliable. The Federal Motor Carrier Safety Administration strives to utilize its limited resources in the most effective manner to advance highway safety. The agency, therefore, checks the safety performance of any motor carrier that is the subject of a complaint to the FMCSA. In keeping with our focus on performance measures, particularly accident rates, we believe on-site compliance reviews are not needed if the carrier does not possess an unsatisfactory accident rate and there is no indication of poor performance. We have no information which shows the safety performance of (name of motor carrier) to be a problem at the present time. Furthermore, we have notified the carrier about the general allegations of the complaint and requested a written response. We will inform the complainant about our handling of the complaint. If we can provide further assistance, please call my office at (telephone number).

- (6) A compliance review on (name of motor carrier) was completed in response to the forwarded complaint and its allegations have received careful attention. Our investigation, however, failed to disclose violations of the type referred to in the complaint. The complainant will be informed of our findings. If we can provide further assistance, please contact our office.
- (7) A compliance review on (name of motor carrier) was completed in response to your letter. Violations of the type referred to in your letter were discovered. The nature of these violations, however, did not warrant enforcement action. The complainant will be informed of our findings. If we can provide further assistance, please contact our office.
- (8) A compliance review on (name of motor carrier) was completed in response to your letter. Violations of the type referred to in your letter were discovered, and an enforcement action is currently being prepared. The complainant will be informed of our findings. If we can provide further assistance, please contact our office.